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10/532,127	10/24/2005	Bogdan Timus	4147-115	5911
23117 7590 01/14/2010 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203				
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CEHIC, KENAN				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Advisory Action

Continuation of Item 3 (d): The applicant alleges that newly submitted claim 56 comprises the subject matter of previously presented claims 1, 4 and 10 and that the claims should be entered. The examiner does not agree. Previously presented claims 4 and 10 **individually** depended on claim 1. Thus the scope of claim 4 included limitations from claim 1 and 4, while the scope of claim 10 included limitations of claim 1 and claim 10. Therefore, a claim with a scope with limitation of claim 1 and **both** claim 4 and 10 were never presented. Therefore, the scope of the claims has been changed and would require further consideration (and possibly different grounds of rejections not on record). Even further, if the scope of claim 1, 4, and 10 even were previously presented, newly added claim 56 still presents a different scope. Claim 1, 4 and 10 stated the following respectively:

Claim 1. A resource allocation method in a communications system having resources, said method comprising the steps of:  
dividing said resources into multiple different resource classes based on **an associated characteristic allocation time**, for each resource class: determining a resource utilization measure; and selecting whether or not to trigger resource allocation based on said resource utilization measure.

Claim 4. The method according to claim 1, wherein a **first threshold** associated with a first resource class having a first characteristic allocation time **is larger than a corresponding second threshold** associated with a second resource class having a second characteristic allocation time, said first allocation time being shorter than said second allocation time.

Claim 10. The method according to claim 1, wherein said dividing step comprises the step of dividing said resources into a first resource class and a second resource class, where a **resource of said first resource class is allocable with an allocation procedure of a first allocation procedure set** and a resource of said second resource class is allocable with an **allocation procedure of a second allocation procedure set**, said first allocation procedure set comprises at least one of:  
*restricting available transport format combinations for user equipment connected to said system;*

*and*  
*performing an Adaptive Multi Rate: mode switch for said user equipment;*  
*and said second allocation procedure set comprises least one of:*  
*performing a channel switch from a dedicated high bit-rate channel to a dedicated low bit-rate channel for said user equipment;*  
*performing a channel switch from a dedicated channel to a common channel for said user equipment;*  
*performing a handover from a first radio access network to a second radio access network for said user equipment;*  
*performing a handover from a first carrier frequency to a second carrier frequency for said user equipment;**and*  
*-dropping an ongoing call for said user equipment-*

Newly added claim 56 recites the following:

“A resource allocation method in a communications system having resources,  
said method comprising:

dividing said resources into at least a first resource class having a **first associated characteristic allocation time** and a second resource class having a **second associated characteristic allocation time that is longer than said first associated characteristic allocation time**  
based on respective associated characteristic allocation times of said resources, where a resource of said first resource class is allocable with an allocation procedure of a first allocation procedure set and a resource of said second resource class is allocable with an allocation procedure of a second, **different** allocation procedure set,  
for each resource class of said at least first resource class and said second resource class:  
determining a resource utilization measure; and  
selecting whether or not to trigger resource allocation based on said resource utilization measure. “

The differences above have been emphasized. Previously presented claim 1, 4 and 10, never included the limitations that a first allocation time (associated with a first class) is longer than a second allocation time (associated with a second resource class). Claim 4, recited that a first threshold associated with a first class (having a first allocation time ) is larger than a second threshold associated with a second class (having a second allocation time). Further, claim 10

recites that there is a first allocation procedure set and a second procedure set, not that the procedures sets are **different**, as recited in claim 56. For the above multitude of reasons, the examiner takes the stance that the claim limitations have been significantly changed which would require further consideration or different grounds of rejections. Therefore, the above is enough ground for non-entry of the newly submitted amendment.

Similar newly submitted claims 71, differs significantly in scope than the subject matter of claim 10 (which includes subject matter of claim 1), 30, and 33. Similarly claims 85, 93, and 102 differ significantly in scope than previously presented claims.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KENAN CEHIC whose telephone number is (571)270-3120. The examiner can normally be reached on Monday through Friday 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KWANG BIN YAO can be reached on (571) 272-3182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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